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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RICARDO DURON,

Defendant and Appellant.

D067781

(Super. Ct. No. SCS268104)

APPEAL from a judgment of the Superior Court of San Diego County, Michael D. Wellington, Judge. Affirmed.

John E. Edwards, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Ricardo Duron appeals a judgment following his guilty plea to five counts of residential burglary. (Pen. Code, §§ 459, 460.)¹

¹ All statutory references are to the Penal Code unless otherwise specified.

FACTUAL AND PROCEDURAL BACKGROUND

An information charged Duron with 34 counts, including 31 counts of residential burglary (§§ 459, 460). It also alleged he had two prison priors (§§ 667.5, subd. (b), 668), a serious felony prior conviction (§§ 667, subd. (a)(1), 668, 1192.7, subd. (c)), and a prior "strike" conviction (§§ 667, subds. (b)-(i), 1170.12, 668). Although he apparently admitted his involvement in the burglaries, Duron made a *Marsden*² motion, requesting the appointment of new defense counsel. He did not indicate his current counsel should have done anything specifically different for him. His counsel acknowledged Duron had confessed and could be facing at least 99 years in prison. The trial court denied the *Marsden* motion.

Duron pleaded guilty to five counts of residential burglary (§§ 459, 460), admitted the truth of two of the allegations, and stipulated to a prison term of 23 years 8 months. In so doing, he signed and initialed a guilty plea form that advised him of his constitutional rights, which he waived. The trial court advised Duron of his right to a jury trial, right to cross-examine witnesses, and other constitutional rights. It asked him whether he was pleading guilty to counts 1 through 5 (§§ 459, 460) and admitting the truth of two of the allegations. He confirmed he was and thereafter did so. The court accepted his guilty plea. The court sentenced Duron in accordance with his plea. It also imposed various fines, fees, and assessments.

² *People v. Marsden* (1970) 2 Cal.3d 118.

Duron timely filed a notice of appeal challenging the judgment. The trial court granted his request for a certificate of probable cause.

DISCUSSION

Duron's appointed counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal of the judgment, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel identifies the following possible, but not arguable, issues for our review: (1) whether Duron's guilty plea was constitutionally valid; (2) whether he was sentenced in accordance with his guilty plea; (3) whether the court's admonitions on the record sufficiently advised him of his constitutional rights and resulted in a knowing and intelligent waiver of those rights, and whether a separate admonition on his rights should have been given him regarding the consequences of his admission of the truth of the prior strike allegation; (4) whether the court properly denied his *Marsden* motion; (5) whether the amount of the section 1465.8 court security fee (\$200) was correct; (6) whether the Government Code section 70373 criminal conviction assessment (\$150) was correctly imposed; (7) whether the court's failure to make a finding on his ability to pay restitution fines under sections 1202.4, subdivision (b), and 1202.45 was waived by his failure to object at the time of sentencing; (8) whether the court's imposition of a criminal justice administrative fee (\$154) was appropriate and whether any error in the amount of that fee and the court's failure to make a finding on his ability to pay that fee was waived by his failure to object at the time of sentencing; and (9) whether he could have shown the prior strike allegation he admitted was not, in

fact, a serious felony prior strike conviction because he was sentenced to only two years of supervised probation for that prior offense and, if so, whether he may challenge the sentence imposed considering his stipulated sentence of 23 years 8 months.

We granted Duron permission to file a supplemental brief on his own behalf, but he has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Duron has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

BENKE, Acting P. J.

O'ROURKE, J.